

SECOND REGULAR SESSION

# SENATE BILL NO. 1074

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR DEMPSEY.

Read 1st time February 4, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4870S.011

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## AN ACT

To repeal section 429.015, RSMo, and to enact in lieu thereof one new section relating to liens for architects, professional engineers, land surveyors, and landscape architects.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 429.015, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 429.015, to read as follows:

429.015. 1. Every registered architect or corporation registered to practice  
2 architecture, every registered professional engineer or corporation registered to  
3 practice professional engineering, every registered landscape architect or  
4 corporation registered to practice landscape architecture, and every registered  
5 land surveyor or corporation registered to practice land surveying, who does any  
6 landscape architectural, architectural, engineering or land surveying work upon  
7 or performs any landscape architectural, architectural, engineering or land  
8 surveying service directly connected with the erection or repair of any building  
9 or other improvement upon land under or by virtue of any contract with the  
10 owner or lessee thereof, or such owner's or lessee's agent, trustee, contractor or  
11 subcontractor, or without a contract if ordered by a city, town, village or county  
12 having a charter form of government to abate the conditions that caused a  
13 structure on that property to be deemed a dangerous building under local  
14 ordinances pursuant to section 67.410, RSMo, upon complying with the provisions  
15 of this chapter, shall have for such person's landscape architectural,  
16 architectural, engineering or land surveying work or service so done or performed,  
17 a lien upon the building or other improvements and upon the land belonging to  
18 the owner or lessee on which the building or improvements are situated, to the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

19 extent of [one acre] **three acres**. If the building or other improvement is upon  
20 any lot of land in any town, city or village, then the lien shall be upon such  
21 building or other improvements, and the lot or land upon which the building or  
22 other improvements are situated, to secure the payment for the landscape  
23 architectural, architectural, engineering or land surveying work or service so done  
24 or performed. For purposes of this section, a corporation engaged in the practice  
25 of architecture, engineering, landscape architecture, or land surveying, shall be  
26 deemed to be registered if the corporation itself is registered under the laws of  
27 this state to practice architecture, engineering or land surveying.

28         2. Every mechanic or other person who shall do or perform any work or  
29 labor upon or furnish any material or machinery for the digging of a well to  
30 obtain water under or by virtue of any contract with the owner or lessee thereof,  
31 or such owner's or lessee's agent, trustee, contractor or subcontractor, upon  
32 complying with the provisions of sections 429.010 to 429.340 shall have for such  
33 person's work or labor done, or materials or machinery furnished, a lien upon the  
34 land belonging to such owner or lessee on which the same are situated, to the  
35 extent of one acre, to secure the payment of such work or labor done, or materials  
36 or machinery furnished as aforesaid.

37         3. Every mechanic or other person who shall do or perform any work or  
38 labor upon, or furnish any material, fixtures, engine, boiler or machinery, for the  
39 purpose of demolishing or razing a building or structure under or by virtue of any  
40 contract with the owner or lessee thereof, or such owner's or lessee's agent,  
41 trustee, contractor or subcontractor, or without a contract if ordered by a city,  
42 town, village or county having a charter form of government to abate the  
43 conditions that caused a structure on that property to be deemed a dangerous  
44 building under local ordinances pursuant to section 67.410, RSMo, upon  
45 complying with the provisions of sections 429.010 to 429.340, shall have for such  
46 person's work or labor done, or materials, fixtures, engine, boiler or machinery  
47 furnished, a lien upon the land belonging to such owner or lessee on which the  
48 same are situated, to the extent of one acre. If the building or buildings to be  
49 demolished or razed are upon any lot of land in any town, city or village, then the  
50 lien shall be upon the lot or lots or land upon which the building or other  
51 improvements are situated, to secure the payment for the labor and materials  
52 performed.

53         4. The provisions of sections 429.030 to 429.060 and sections 429.080 to  
54 429.430 applicable to liens of mechanics and other persons shall apply to and

55 govern the procedure with respect to the liens provided for in subsections 1, 2 and  
56 3 of this section.

57         5. Any design professional or corporation authorized to have lien rights  
58 under subsection 1 of this section shall have a lien upon the building or other  
59 improvement and upon the land, whether or not actual construction of the  
60 planned work or improvement has commenced if:

61             (1) The owner or lessee thereof, or such owner's or lessee's agent or  
62 trustee, contracted for such professional services directly with the design  
63 professional or corporation asserting the lien; and

64             (2) The owner or lessee is the owner or lessee of such real property either  
65 at the time the contract is made or at the time the lien is filed.

66         6. Priority between a design professional or corporation lien claimant and  
67 any other mechanic's lien claimant shall be determined pursuant to the  
68 provisions of section 429.260 on a pro rata basis.

69         7. In any civil action, the owner or lessee may assert defenses which  
70 include that the actual construction of the planned work or improvement has not  
71 been performed in compliance with the professional services contract, is  
72 impracticable or is economically infeasible.

73         8. The agreement is in writing.

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